

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

COMPASS, INC. AND COMPASS  
WASHINGTON, LLC

Plaintiffs,

v.

NORTHWEST MULTIPLE LISTING  
SERVICE,

Defendant.

Case No. 2:25-cv-00766

DECLARATION OF CHRISTOPHER R.  
OSBORN IN SUPPORT OF  
DEFENDANT NORTHWEST MULTIPLE  
LISTING SERVICE'S MOTION FOR  
PROTECTIVE ORDER TO STAY  
DISCOVERY

I, Christopher R. Osborn, certify and state as follows:

1. I am an attorney practicing at Stoel Rives LLP in Seattle, Washington, and am counsel of record for Defendant Northwest Multiple Listing Service ("NWMLS") in this matter. I am over the age of 18 and have personal knowledge of the facts set forth in this declaration.

2. I have represented NWMLS in its business and litigation matters for more than 35 years. I am intimately familiar with its multiple listing service work.

3. On June 24, 2025, following the parties' conferral to discuss the case and the requirements for the parties' Joint Status Report and Discovery Plan, Plaintiffs Compass, Inc. and Compass Washington, LLC (collectively, "Compass") emailed NWMLS the following documents: (1) Plaintiffs' First Set of Interrogatories to NWMLS and (2) Plaintiffs' First Set of Requests for Production to NWMLS (collectively, the "discovery requests").

DECLARATION IN SUPPORT OF MOTION FOR PROTECTIVE ORDER TO STAY  
DISCOVERY - 1

1           4.       Attached as **Exhibit A** is a true and correct copy of Compass' First Set of  
2 Interrogatories to NWMLS.

3           5.       Attached as **Exhibit B** is a true and correct copy of Compass' First Set of Requests  
4 for Production to NWMLS.

5           6.       Since 2019, I have represented more than 30 multiple listing services and several  
6 real estate brokerages that have received requests for production of documents, interrogatories,  
7 and third-party subpoenas in antitrust cases involving the brokerage industry. I am very familiar  
8 with the burden and cost of responding to such discovery.

9           7.       The burden Compass' discovery requests would impose upon NWMLS is difficult  
10 to overstate. Even preparing objections to the voluminous requests, including as to scope,  
11 confidentiality, and vagueness, will require close analysis by and considerable input from counsel  
12 for NWMLS working with already fully occupied NWMLS staff. NWMLS will have no choice  
13 but to engage electronic discovery vendors to help gather and then analyze what will be a database  
14 of more than a million electronic records, and, of course, that does not include hard copy  
15 documents arguably more difficult to process. Reviewing the thus selected documents and  
16 ultimately preparing substantive responses to the discovery will be a huge expense measured in  
17 the hundreds of thousands of dollars in terms of attorney fees, electronic discovery vendors, and  
18 NWMLS employee time—all a potentially unnecessary waste of a not-for-profit's members'  
19 limited money.

20           8.       On May 27, 2025, the parties conferred by telephone and NWMLS informed  
21 Compass that it would seek a stay of discovery. On May 30, 2025, counsel for Compass left my  
22 co-counsel a voicemail responding that it would not agree to a stay of discovery until after a  
23 decision on NWMLS' motion to dismiss. Compass then further responded on June 4, 2025,  
24 providing its initial draft of the Joint Status Report to the Court indicating that it opposed any stay  
25 of discovery while NWMLS's motion to dismiss is pending.

26  
DECLARATION IN SUPPORT OF MOTION FOR PROTECTIVE ORDER TO STAY  
DISCOVERY - 2

128739122.2 0068832-00015 **STOEL RIVES LLP**  
ATTORNEYS  
600 University Street, Suite 3600, Seattle, WA 98101  
*Telephone 206.624.0900*

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

COMPASS, INC. AND COMPASS  
WASHINGTON, LLC,  
  
Plaintiffs,  
  
v.  
  
NORTHWEST MULTIPLE LISTING  
SERVICE,  
  
Defendant.

Case No. 2:25-cv-00766-JNW

COMPASS, INC. AND COMPASS  
WASHINGTON, LLC'S FIRST SET OF  
INTERROGATORIES TO NORTHWEST  
MULTIPLE LISTING SERVICE

**PROPOUNDING PARTY:** COMPASS, INC. AND COMPASS WASHINGTON, LLC  
**RESPONDING PARTY:** NORTHWEST MULTIPLE LISTING SERVICE  
**SET NUMBER:** ONE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiffs Compass, Inc. and Compass Washington, LLC request that Defendant Northwest Multiple Listing Service answer separately and completely in writing under oath within 30 days of service hereof each of the Interrogatories set forth below in accordance with the following Definitions and Instructions:

**I. DEFINITIONS**

1. "Any" and "all" shall be construed to mean "any and all."
2. "And," "or," and "and/or" shall be construed conjunctively or disjunctively,

PLAINTIFFS' FIRST SET OF  
INTERROGATORIES TO NWMLS  
Case No. 2:25-cv-00766-JNW

COOLEY LLP  
1700 Seventh Avenue Suite 1900  
Seattle, Washington 98101  
+1 206 206 452 8700



1 whichever maximizes the scope of each Interrogatory in which they are used.

2 3. "Broker" means any entity or person who represents buyers or sellers of  
3 residential real estate.

4 4. "Brokerage" means any company, organization who represents buyers or sellers  
5 of residential real estate, including its present and former directors, officers, employees, agents,  
6 attorneys, representatives, independent contractors, or any persons acting or purporting to act on  
7 its behalf.

8 5. "Brokerage Services" means services provided by a Broker in connection with  
9 the purchase or sale of residential real estate.

10 6. "Challenged NWMLS Rules" refers to Rules 2, 4, and 6 of the NWMLS Rules  
11 and Regulations, including all past, present, and future iterations of these rules.

12 7. "Compass" shall mean Plaintiffs Compass, Inc. and Compass Washington, LLC.

13 8. "Complaint" refers to the Complaint filed in this action on April 25, 2025, or any  
14 superseding complaint filed in *Compass, Inc. et al. v. Northwest Multiple Listing Service*, Case  
15 No. 2:25-cv-00766-JNW (W.D. Wash.).

16 9. "Communication" or "communications" means any oral, written, or other contact  
17 between two or more persons or entities by which any information or knowledge of any nature  
18 is transmitted or conveyed or attempted to be transmitted or conveyed, including chats, letters,  
19 memoranda, telegrams, telefaxes, telecopies, telexes, emails, text messages, face-to-face  
20 meetings, telephone conversations, voicemails, answering machine messages, and telephonic  
21 notes.

22 10. "Describe" means provide a detailed and complete explanation of the facts,  
23 circumstances, documents, and any other information relating to the topic identified in the  
24 interrogatory.

25 11. "Each" and "every" call be construed to mean "each and every."

26 12. "Including" shall mean "including without limitation" and "including but not  
27 limited to."

28 13. "NWMLS," "You," "Your" or "Yours" shall mean Defendant NWMLS and its

employees, agents, or other persons acting on its behalf.

14. “NWMLS Rules” means to the NWMLS Rules and Regulations and the NWMLS Bylaws, including all past, present, and future iterations of these rules.

15. “Off-MLS Marketing” means the provision of real estate brokerage services in connection with residential real estate marketed by licensed real estate professionals other than through an MLS, including relating to any transaction with a recorded closing date within three days of a recorded listing date.

16. “Person” or “persons” means any individual, group, or entity. The acts of a person shall include the acts of the person’s directors, officers, owners, members, employees, agents, attorneys, and all other representatives acting on the person’s behalf.

17. “Relating to,” “related to,” or “relate to,” when referring to any given subject matter, means without limitation any information, document, or thing that in whole or in part and directly or indirectly relates to, concerns, regards, discusses, describes, depicts, demonstrates, shows, evidences, supports, refutes, contradicts, summarizes, analyzes, bears upon, comments upon, pertains to, constitutes, compromises, involves, contains, embodies, reflects, alludes to, identifies, states, mentions, refers to, deals with, or is in any way relevant to the particular subject matter identified.

18. All other words are given their plain and ordinary meaning.

## II. INSTRUCTIONS

1. These Interrogatories are continuing in nature in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

2. If you find the meaning of any term in these Interrogatories unclear, you shall construe the term so as to render responsive any information, document, or thing that might otherwise be rendered non-responsive.

3. If the answer to the Interrogatory requires the identification of documents, you shall provide the production number, the type of document, the general subject matter, the date of the document, and all authors, addresses, and recipients.

4. If any information responsive to these Interrogatories is withheld under a claim

1 of privilege or other immunity from discovery, or if an Interrogatory is otherwise not answered  
 2 in full, you shall state the specific grounds for not answering in full, identify all information for  
 3 which privilege or immunity is claimed, and answer the interrogatory to the extent to which  
 4 there is no objection.

5       **5.** If documents are being produced in lieu of answers, you shall identify by Bates  
 6 number the specific documents where the answer is located and state where within the  
 7 production the answer can be found.

8 **III. INTERROGATORIES.**

9 **INTERROGATORY NO. 1:**

10 Identify and Describe any actual or suspected violations of NWMLS Rules based on Off-  
 11 MLS Marketing, and for each violation provide a description of the violation, the individual or  
 12 individuals involved including their Brokerage affiliation, and any actual or potential sanctions,  
 13 consequences, or penalties levied.

14 **INTERROGATORY NO. 2:**

15 Identify and Describe all complaints or concerns received by You relating to Off-MLS  
 16 Marketing, including any involving the Challenged NWMLS Rules, and for each such complaint  
 17 or concern provide the identity of the complainant, the date of the complaint, a description of  
 18 the complaint or concern, and any response from You.

19 **INTERROGATORY NO. 3:**

20 Describe the process by which You revoked Compass's listing data license on or about  
 21 April 15, 2025, including all Persons involved in the decision and a timeline from the proposed  
 22 revocation to April 15, 2025.

23 **INTERROGATORY NO. 4:**

24 Identify and Describe all instances in which NWMLS has threatened to or actually  
 25 revoked a Broker or Brokerage's access to its listing data license, or access to Your IDX feed  
 26 through other means.

**INTERROGATORY NO. 5:**

Describe the process by which You amended NWMLS Rule 4 effective March 28, 2025 as described in Paragraph 65 in the Complaint, including all Persons involved in the decision to amend NWMLS Rule 4 and the timeline from the proposed change to its effective date of March 28, 2025.

**INTERROGATORY NO. 6:**

Identify and Describe all Communications between NWMLS and any other Person that relate to both Compass or a Compass-affiliated Broker and either Off-MLS Marketing or competition for Brokerage Services.

**INTERROGATORY NO. 7:**

Identify the percentage of residential real estate listings in King County input or delivered to NWMLS for each year the information is available.

**INTERROGATORY NO. 8:**

Identify the percentage of real estate firms licensed to provide Brokerage Services in King County who are members of NWMLS, as defined in the NWMLS Rules, for each year the information is available.

**INTERROGATORY NO. 9:**

Identify and Describe any actual or contemplated exception granted for any actual or suspected violations of NWMLS Rules, and for each violation provide a description of the violation, the individual or individuals involved including their Brokerage affiliation, and any actual or potential sanctions, consequences, or penalties levied.

1 Dated: June 24, 2025

Respectfully submitted,

3 s/Ethan Glass

4 Christopher B. Durbin (41159)  
5 COOLEY LLP  
6 1700 Seventh Avenue  
7 Suite 1900  
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*Attorneys for Plaintiffs Compass, Inc. and  
Compass Washington, LLC*



**CERTIFICATE OF SERVICE**

I hereby certify that on June 24, 2025, I caused a true and correct copy of the foregoing to be emailed to counsel of record at the following email addresses:

**STOEL RIVES LLP**

Christopher Robert Osborn

Harrison Owens

Vanessa Soriano Power

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*Attorneys for Defendant*

*Northwest Multiple Listing Service*

Dated: June 24, 2025

s/Sarah Topol

Sarah Topol

**CERTIFICATE OF SERVICE**

I hereby certify that on June 26, 2025, I caused a true and correct copy of the foregoing to be mailed via FedEx Standard Overnight to counsel of record at the following addresses:

**Christopher Robert Osborn**  
STOEL RIVES LLP  
600 University St  
Ste 3600  
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*Attorneys for Defendant*  
*Northwest Multiple Listing Service*

Dated: June 26, 2025

*s/Sarah Topol*  
Sarah Topol

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

COMPASS, INC. AND COMPASS  
WASHINGTON, LLC,

Plaintiffs,

v.

NORTHWEST MULTIPLE LISTING  
SERVICE,

Defendant.

Case No. 2:25-cv-00766-JNW

**COMPASS, INC. AND COMPASS  
WASHINGTON'S FIRST SET OF REQUESTS  
FOR PRODUCTION TO NORTHWEST  
MULTIPLE LISTING SERVICE**

**PROPOUNDING PARTY: COMPASS, INC. AND COMPASS WASHINGTON, LLC**

**RESPONDING PARTY: NORTHWEST MULTIPLE LISTING SERVICE**

**SET NUMBER: ONE**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiffs Compass, Inc. and Compass Washington, LLC hereby demand that Defendant Northwest Multiple Listing Service answer the following document requests and produce for copying and inspection responsive documents within thirty (30) days from the date this demand is served at the offices of Plaintiff's counsel, Cooley LLP, 1700 Seventh Avenue Suite 1900, Seattle, Washington 98101.

**I. DEFINITIONS.**

Notwithstanding any definition below, each word, term, or phrase used in these Requests

PLAINTIFFS' FIRST SET OF RFPS TO  
NWMLS  
Case No. 2:25-cv-00766-JNW

COOLEY LLP  
1700 Seventh Avenue Suite 1900  
Seattle, Washington 98101  
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1 is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure.

2 1. “And,” “or,” and “and/or” shall be construed conjunctively or disjunctively,  
3 whichever maximizes the scope of each Request in which they are used.

4 2. “Any” and “all” shall be construed to mean “any and all.”

5 3. “Broker” means any entity or person who represents buyers or sellers of  
6 residential real estate.

7 4. “Challenged NWMLS Rules” refers to Rules 2, 4, and 6 of the NWMLS Rules  
8 and Regulations, including all past, present, and future iterations of these rules.

9 5. “Communication” or “communications” means any oral, written, or other contact  
10 between two or more persons or entities by which any information or knowledge of any nature  
11 is transmitted or conveyed or attempted to be transmitted or conveyed, including letters,  
12 memoranda, telegrams, telefaxes, telecopies, telexes, emails, text messages, face-to-face  
13 meetings, telephone conversations, voicemails, answering machine messages, and telephonic  
14 notes.

15 6. “Compass” shall mean Plaintiffs Compass, Inc. and Compass Washington, LLC.

16 7. “Complaint” refers to the Complaint filed in this action on April 25, 2025, or any  
17 superseding complaint filed in *Compass, Inc. et al. v. Northwest Multiple Listing Service*, Case  
18 No. 2:25-cv-00766-JNW (W.D. Wash.).

19 8. “Document” or “documents” are synonymous in meaning and equal in scope to  
20 the usage of the terms as defined by Federal Rule of Civil Procedure 34 and shall be interpreted  
21 in their broadest sense to include all “writings” and “recordings,” including, without limitation,  
22 all writings, drawings, graphs, charts, photographs, recordings, phone records, videos, computer  
23 files, electronic mail or information, agreements, facsimiles, telexes, notes and other data  
24 compilations from which information can be obtained, translated, if necessary, through detection  
25 devices into reasonably usable form.

26 9. “Each” and “every” shall be construed to mean “each and every.”

27 10. “ESI” shall mean any “electronically stored information.”

28 11. “Including” shall mean “including without limitation” and “including but not

1 limited to.”

2 12. “NWMLS,” “You,” “Your” or “Yours” shall mean Defendant NWMLS and its  
3 employees, agents, or other persons acting on its behalf.

4 13. “NWMLS Rules” refers to the NWMLS Rules and Regulations, including all  
5 past, present, and future iterations of these rules.

6 14. “Off-MLS Marketing” means the provision of real estate brokerage services in  
7 connection with residential real estate marketed by licensed real estate professionals other than  
8 through an MLS, including relating to any transaction with a recorded closing date within three  
9 days of a recorded listing date.

10 15. “Person” or “persons” means any individual, group, or entity. The acts of a  
11 person shall include the acts of the person’s directors, officers, owners, members, employees,  
12 agents, attorneys, and all other representatives acting on the person’s behalf.

13 16. “Real Estate Services” means the bundle of services provided to homebuyers and  
14 sellers by residential real estate Brokers or Realtors with MLS access.

15 17. “Relating to,” “related to,” or “relate to,” when referring to any given subject  
16 matter, means without limitation any information, document, or thing that in whole or in part  
17 and directly or indirectly relates to, concerns, regards, discusses, describes, depicts,  
18 demonstrates, shows, evidences, supports, refutes, contradicts, summarizes, analyzes, bears  
19 upon, comments upon, pertains to, constitutes, comprises, involves, contains, embodies, reflects,  
20 alludes to, identifies, states, mentions, refers to, deals with, or is in any way relevant to the  
21 particular subject matter identified.

22 18. “Studies” or “Analyses” include all reports, memoranda, statistical compilations,  
23 reviews, audits and other types of written, printed, or electronic submissions of information.

24 19. All other words are given their plain and ordinary meaning.

25 **II. INSTRUCTIONS.**

26 1. These requests for production are continuing in nature in accordance with Rule  
27 26(e) of the Federal Rules of Civil Procedure.

28 2. A written response to each Request is required. If You object to any Request, in

1 whole or in part, state the grounds of Your objection with specificity and produce Documents  
2 responsive to the remainder of the Request.

3       3. In complying with these Requests, You are to produce all responsive Documents,  
4 communications, and ESI within Your possession, custody, or control or to which You have  
5 access, including, without limitation, all such documents, communications, and ESI in the  
6 possession of any of Your agents, employees or attorneys, and any other person under Your  
7 control or acting on Your behalf.

8       4. If You claim any privilege as grounds for not fully answering a Request, or any  
9 part thereof, You should provide a privilege log in accordance with Rule 26 of the Federal Rules  
10 of Civil Procedure and any ESI Order entered in this case with sufficient information to confirm  
11 that the claim of privilege is valid.

12       5. Unless otherwise agreed upon by the parties, and pursuant to any ESI Order  
13 entered in this case, You should respond to these Requests by producing all responsive  
14 Documents collected through the use of mutually agreed-upon search terms, applied to a  
15 mutually agreed-upon group of Document custodians. Requests for “all documents” or “all  
16 communications” should therefore be construed as requests for all responsive documents that  
17 are gathered when the agreed-upon (or court-ordered) search terms are applied to the files of  
18 agreed-upon (or court-ordered) custodians.

19       6. All Documents produced pursuant to these Requests are to be organized in the  
20 manner in which they are kept in the usual course of business. File folders with tabs or labels,  
21 or directories of files identifying Documents and/or Communications, must be produced intact  
22 with such Documents and/or Communications.

23       7. If no Documents exist that are responsive to a Request, a written statement to that  
24 effect shall be provided at the time of production.

25       8. Unless otherwise agreed upon by the parties, You should produce responsive  
26 documents consistent with any ESI Order entered in this case, including producing responsive  
27 documents in the agreed upon format for production and with all metadata fields agreed upon  
28 by the parties.

1           9.     Identify all Documents described in these Requests that have been destroyed.

2           10.    If any portion of a Document or Communication is responsive to any Request,  
3 the entire Document or Communication should be produced.

4     **III.   DOCUMENTS AND THINGS TO BE PRODUCED.**

5     **REQUEST FOR PRODUCTION NO. 1:**

6           For each year 2018 to the present, Documents sufficient to show a list of NWMLS  
7 employees and NWMLS organizational chart.

8     **REQUEST FOR PRODUCTION NO. 2:**

9           For each year 2018 to the present, Documents sufficient to show all Committees, Boards,  
10 Task Forces, or other bodies of NWMLS.

11    **REQUEST FOR PRODUCTION NO. 3:**

12           For each year 2018 to the present, Documents sufficient to show all individuals affiliated  
13 with Your organization.

14    **REQUEST FOR PRODUCTION NO. 4:**

15           For each year 2018 to the present, Documents sufficient to show the ownership structure  
16 of NWMLS.

17    **REQUEST FOR PRODUCTION NO. 5:**

18           All data regarding real estate listings in the NWMLS, including lookup files for any and  
19 all coded fields related to the data.

20    **REQUEST FOR PRODUCTION NO. 6:**

21           All Civil Investigative Demands (“CIDs”) in Your possession, custody, or control that  
22 concern the Challenged NWMLS Rules, including, all Communications regarding the CID and  
23 Documents produced in response to the CID.

24    **REQUEST FOR PRODUCTION NO. 7:**

25           All Civil Investigative Demands (“CIDs”) in Your possession, custody, or control that  
26 concern Off-MLS Marketing, including all Communications regarding the CID and Documents  
27 produced in response to the CID.



**REQUEST FOR PRODUCTION NO. 8:**

All Documents received through or produced in any investigation, regulatory proceeding, or lawsuit involving the Challenged NWMLS Rules.

**REQUEST FOR PRODUCTION NO. 9:**

All Documents received through or produced in any investigation, regulatory proceeding, or lawsuit involving Off-MLS Marketing.

**REQUEST FOR PRODUCTION NO. 10:**

All Communications with any governmental body or entity about the Challenged NWMLS Rules.

**REQUEST FOR PRODUCTION NO. 11:**

All Communications with any governmental body or entity about Off-MLS Marketing.

**REQUEST FOR PRODUCTION NO. 12:**

All Communications with any governmental body or entity about Compass.

**REQUEST FOR PRODUCTION NO. 13:**

All Documents relating to or reflecting Communications concerning Compass or a Compass-affiliated Broker.

**REQUEST FOR PRODUCTION NO. 14:**

All Documents relating to or reflecting Communications concerning the Challenged NWMLS Rules.

**REQUEST FOR PRODUCTION NO. 15:**

All Documents concerning the Challenged NWMLS Rules including the legality of the Challenged NWMLS Rules.

**REQUEST FOR PRODUCTION NO. 16:**

All Documents relating to the rationale, strategy, or business justification behind promulgating, adopting, implementing, enforcing, or supporting the Challenged NWMLS Rules.

**REQUEST FOR PRODUCTION NO. 17:**

All Documents, including market research, consumer surveys, or feedback received by NWMLS concerning the impact of the Challenged NWMLS Rules on the real estate market.

**REQUEST FOR PRODUCTION NO. 18:**

All Documents relating to any NWMLS meeting or event at which the Challenged NWMLS Rules were voted on, discussed, proposed, adopted, modified, repealed, implemented, or enforced.

**REQUEST FOR PRODUCTION NO. 19:**

All Documents relating to any proposed changes to NWMLS's Rules, including the Challenged NWMLS Rules, including any discussions to abolish the Challenged NWMLS Rules.

**REQUEST FOR PRODUCTION NO. 20:**

All Documents relating to enforcement of NWMLS's Rules, including the Challenged NWMLS Rules, including the decision to enforce or not enforce NWMLS's Rules, including the Challenged NWMLS Rules.

**REQUEST FOR PRODUCTION NO. 21:**

All Documents reflecting actions You have taken to implement the Challenged NWMLS Rules, including requirements, policies, or expectations that NWMLS employees or members implement or enforce the Challenged NWMLS Rules.

**REQUEST FOR PRODUCTION NO. 22:**

All Documents relating to complaints or concerns received from any customer of Real Estate Services or any Broker regarding the Challenged NWMLS Rules, including Your response to these complaints or concerns.

**REQUEST FOR PRODUCTION NO. 23:**

Documents sufficient to show Your policy concerning handling complaints or concerns regarding the Challenged NWMLS Rules.

**REQUEST FOR PRODUCTION NO. 24:**

All Documents that provide interpretations, guidelines, or other guidance concerning the Challenged NWMLS Rules, including all manuals, brochures, guidelines, recommendations, policies, and training materials related to the Challenged NWMLS Rules.

**REQUEST FOR PRODUCTION NO. 25:**

Any publications or articles published or information made available by You or otherwise in Your possession relating to the Challenged NWMLS Rules.

**REQUEST FOR PRODUCTION NO. 26:**

All Documents relating to the Discipline Complaint issued to Compass by NWMLS dated March 25, 2025.

**REQUEST FOR PRODUCTION NO. 27:**

All Documents relating to "Message from NWMLS CEO" posted on the NWMLS website dated March 28, 2025, including drafts.

**REQUEST FOR PRODUCTION NO. 28:**

All Documents relating to Your actions to revoke Compass's listing data licenses as described in the correspondence sent to Compass by NWMLS dated April 15, 2025.

**REQUEST FOR PRODUCTION NO. 29:**

All Documents relating to or Communications providing comments, questions, or complaints that you received from any Broker or consumer relating to the Challenged NWMLS Rules, including any draft or actual responses sent by You.

**REQUEST FOR PRODUCTION NO. 30:**

Documents sufficient to show Your procedures for proposing, revising, and enacting new or amended bylaws or rules.

**REQUEST FOR PRODUCTION NO. 31:**

All Documents relating to the costs or benefits of using Off-MLS Marketing for buyers or sellers of residential real estate.

**REQUEST FOR PRODUCTION NO. 32:**

All minutes of any meeting of any NWMLS Committee, Board, Task Force, or other NWMLS body relating to Off-MLS Marketing, Compass, or a Compass-affiliated Broker.

**REQUEST FOR PRODUCTION NO. 33:**

All Documents evaluating, commenting on, or analyzing the use of Off-MLS Marketing in the real estate industry.

**REQUEST FOR PRODUCTION NO. 34:**

All Documents relating to Off-MLS Marketing, including Communications with Brokers regarding Off-MLS Marketing.

**REQUEST FOR PRODUCTION NO. 35:**

All Documents relating to complaints or concerns received from any customer of Real Estate Services or any Broker regarding Off-MLS Marketing, including Your response to these complaints or concerns.

**REQUEST FOR PRODUCTION NO. 36:**

Documents sufficient to show Your policy for handling complaints regarding Off-MLS Marketing.

**REQUEST FOR PRODUCTION NO. 37:**

All Documents relating to the enforcement of NWMLS Rules including regarding Off-MLS Marketing, including the decision to enforce or not enforce the NWMLS Rules.

**REQUEST FOR PRODUCTION NO. 38:**

All Documents relating to actual or suspected violations of NWMLS Rules, including regarding Off-MLS Marketing, including the individual or individuals involved and any actual or potential sanctions, consequences, or penalties levied.

**REQUEST FOR PRODUCTION NO. 39:**

All Documents relating to the role of NWMLSs in the market for real estate services, including any actual or potential competitors of or alternatives to the NWMLSs.

**REQUEST FOR PRODUCTION NO. 40:**

All Documents and data concerning projected, estimated, planned or actual conditions in the markets for residential real estate and Real Estate Services, including (i) the extent, level, or type of competition; (ii) market share of the NWMLS; (iii) residential real estate costs, supply, and demand; (iv) consolidation, mergers, acquisitions, or joint ventures; (v) fixed or variable costs; (vi) substitute products; (vii) residential real estate, Broker, or agent capacity or supply; (viii) profits, revenues, and loss information; or (ix) other industry statistics.



**REQUEST FOR PRODUCTION NO. 41:**

All Documents relating to actions to conceal or avoid detection of any potential or actual violations of federal, state, or international antitrust laws, competition laws, anti-monopoly laws, anti-cartel laws, unfair competition laws, anti-bribery laws and any similar laws, rules or regulations (including the use of code words or otherwise masking the identity of any Person or entity, meeting in locations or communicating at times or via methods with the intent to avoid detection by any Person or entity, using non-traceable prepaid calling cards or cellphones, non-contract or disposable cell phones, placing calls from public phones, and destroying, secreting, altering or forging Documents).

**REQUEST FOR PRODUCTION NO. 42:**

All Documents relating to proposed or implemented compliance policies concerning (i) federal, state, or international antitrust laws, competition laws, anti-monopoly laws, anti-cartel laws, unfair competition laws, and any similar laws or regulations, or (ii) contacts and/or Communications relating to any inquiries or investigations concerning compliance with such policies.

**REQUEST FOR PRODUCTION NO. 43:**

All Documents relating to the benefits of membership in the NWMLSs.

**REQUEST FOR PRODUCTION NO. 44:**

Documents sufficient to show Your membership requirements, fees, procedures for admitting new members, and procedures for withdrawal.

**REQUEST FOR PRODUCTION NO. 45:**

Documents sufficient to show conditions of maintaining membership with You, including membership agreements and policies.

**REQUEST FOR PRODUCTION NO. 46:**

All Documents relating to financial or business projections pertaining to the revenue, expenses, sales, or profits of NWMLS or any other company in the real estate market, including those You prepared in relation to Off-MLS Marketing.

**REQUEST FOR PRODUCTION NO. 47:**

Documents sufficient to describe Your policies or practices with respect to the retention or destruction of Documents.

**REQUEST FOR PRODUCTION NO. 48:**

All Documents relating to or reflecting Communications that discuss, evaluate, or analyze the validity or sincerity of the justifications for supporting the Challenged NWMLS Rules, including claims related to fairness and equity.

**REQUEST FOR PRODUCTION NO. 49:**

All Documents relating to the legality of Off-MLS Marketing.

**REQUEST FOR PRODUCTION NO. 50:**

All Documents relating to or reflecting Communications that discuss Compass, a Compass-affiliated Broker, or Off-MLS Marketing, including with brokers affiliated with Windemere Real Estate, including, but not limited to, Communications that discuss exceptions to NWMLS's Rules, policies or requirements for Brokers, including concerning Off-MLS Marketing.

**REQUEST FOR PRODUCTION NO. 51:**

All Documents relating to or reflecting Communications with OB Jacobi, President of Windemere Real Estate.

1 Dated: June 24, 2025

Respectfully submitted,

3 s/Ethan Glass

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 24, 2025, I caused a true and correct copy of the foregoing to be emailed to counsel of record at the following email addresses:

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*Northwest Multiple Listing Service*

Dated: June 24, 2025

s/Sarah Topol

Sarah Topol

**CERTIFICATE OF SERVICE**

I hereby certify that on June 26, 2025, I caused a true and correct copy of the foregoing to be mailed via FedEx Standard Overnight to counsel of record at the following addresses:

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s/Sarah Topol

Sarah Topol